

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: December 1, 2017

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:

Joao & Dilma Gomes

Case No.: _____

Judge: _____

Debtor(s)

Chapter 13 Plan and Motions

☒ Original

☐ Modified/Notice Required

Date: 6/7/2018

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: JC

Initial Debtor: JG

Initial Co-Debtor: DG

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 1647 per _____ to the Chapter 13 Trustee, starting on _____ for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

| Creditor | Type of Priority | Amount to be Paid |
|-----------------------------|------------------|-----------------------|
| CHAPTER 13 STANDING TRUSTEE | ADMINISTRATIVE | AS ALLOWED BY STATUTE |
| ATTORNEY FEE BALANCE | ADMINISTRATIVE | BALANCE DUE: \$ 1860 |
| DOMESTIC SUPPORT OBLIGATION | | |
| Old Bridge | Water/Sewer | \$3148.91 |

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

| Creditor | Type of Priority | Claim Amount | Amount to be Paid |
|----------|--|--------------|-------------------|
| | Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount. | | |

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor | Collateral or Type of Debt | Arrearage | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan) |
|---------------------------|-----------------------------------|-----------|----------------------------|---|--|
| Ditech | 40 Nathan Drive Old Bridge, NJ | \$71,777 | | \$71,777 | \$2939 |
| United Teletech Financial | | \$13104 | | \$13104 | \$543.60 |

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor | Collateral or Type of Debt | Arrearage | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan) |
|----------|----------------------------|-----------|----------------------------|---|--|
| | | | | | |

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

| Name of Creditor | Collateral | Interest Rate | Amount of Claim | Total to be Paid through the Plan Including Interest Calculation |
|------------------|------------|---------------|-----------------|--|
| | | | | |

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor Interest in Collateral | Annual Interest Rate | Total Amount to be Paid |
|----------|------------|----------------|------------------------|----------------|--|----------------------|-------------------------|
| | | | | | | | |

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

| Creditor | Collateral to be Surrendered | Value of Surrendered Collateral | Remaining Unsecured Debt |
|----------|------------------------------|---------------------------------|--------------------------|
| | | | |

f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

| Creditor | Collateral | Total Amount to be Paid Through the Plan |
|----------|------------|--|
| | | |

Part 5: Unsecured Claims ☒ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☒ Not less than \$ 0 to be distributed *pro rata*

☐ Not less than _____ percent

☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

| Creditor | Basis for Separate Classification | Treatment | Amount to be Paid |
|----------|-----------------------------------|-----------|-------------------|
| | | | |

Part 6: Executory Contracts and Unexpired Leases ☐ **NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

| Creditor | Arrears to be Cured in Plan | Nature of Contract or Lease | Treatment by Debtor | Post-Petition Payment |
|-------------------|-----------------------------|-----------------------------|---------------------|-----------------------|
| Ford Credit | none | automobile | assume | \$395 |
| GM Financial | none | automobile | assume | \$497 |
| Volkswagen Credit | none | automobile | assume (son's car) | \$447 |

Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

| Creditor | Nature of Collateral | Type of Lien | Amount of Lien | Value of Collateral | Amount of Claimed Exemption | Sum of All Other Liens Against the Property | Amount of Lien to be Avoided |
|----------|----------------------|--------------|----------------|---------------------|-----------------------------|---|------------------------------|
| | | | | | | | |

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor's Interest in Collateral | Total Amount of Lien to be Reclassified |
|----------|------------|----------------|------------------------|----------------|--|---|
| | | | | | | |

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Amount to be Deemed Secured | Amount to be Reclassified as Unsecured |
|----------|------------|----------------|------------------------|-----------------------------|--|
| | | | | | |

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Administrative Expenses
- 3) Secured Claims
- 4) Priority Claims & 5) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: 6/7/2018

/s/James J Cerbone
Attorney for the Debtor

Date: 6/7/2018

/s/Joao Gomes
Debtor

Date: 6/7/2018

/s/Dilma Gomes
Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: 6/7/2018

/s/James J Cerbone
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 6/7/2018

/s/Joao Gomes
Debtor

Date: 6/7/2018

/s/Dilma Gomes
Joint Debtor

Certificate of Notice Page 11 of 12
 United States Bankruptcy Court
 District of New Jersey

In re:
 Joao Gomes
 Dilma Gomes
 Debtors

Case No. 18-21665-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 35

Date Rcvd: Jun 11, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 13, 2018.

db/jdb
 517581304 +Joao Gomes, Dilma Gomes, 40 Nathan Drive, Old Bridge, NJ 08857-2790
 517581310 Barclay Card, PO Box 13337, Philadelphia, PA 19101-3337
 517581311 +Diversified Adjustment Service, Inc, 600 Coon Rapids Blvd, Minneapolis, MN 55433-5549
 517581312 +Edward J McKenna, McKenna DuPont Higgins & Stone, PO Box 610, Red Bank, NJ 07701-0610
 517581313 Express Scripts, Attn: Cash Office, PO Box 747000, Cincinnati, OH 45274-7000
 517581313 +Ford Credit, PO Box 542000, Omaha, NE 68154-8000
 517581314 +GM Financial, PO Box 181145, Arlington, TX 76096-1145
 517581315 JFK Medical Associates, PO Box 11912, Newark, NJ 07101-4912
 517581316 JFK Outreach Labs, 80 James St, 4th Floor, Edison, NJ 08820-3938
 517581317 +K. Jordan, 913 1st Avenue, Chippewa Falls, WI 54729-1402
 517581324 Midland Funding, Attn: Pressler & Pressler, 7 Entin Road, Parsippany, NJ 07054-5020
 517581325 +Northland Group, PO Box 390846, Minneapolis, MN 55439-0846
 517581327 Oakwoods Inc, PO Box 64148, Phoenix, AZ 85082-4148
 517581328 +Old Bridge Municipal Utilities Authority, 71 Boulevard West, Keyport, NJ 07735-6105
 517581335 ++PROFESSIONAL RECOVERY CONSULTANTS INC, 2700 MERIDIAN PARKWAY, SUITE 200,
 DURHAM NC 27713-2450
 (address filed with court: Professional Recovery Consultants,
 2700 Meridian Parkway, Suite 200, Durham, NC 27713-2204)
 517581336 Raritan Bay Medical Center, PO Box 650292, Dallas, TX 75265-0292
 517581343 USAA Savings Bank, Attn: American Coradius International, 35A Rust Lane,
 Boerne, TX 78006-8202
 517581342 +United Teletech Financial FC, 205 Hance Avenue, Eatontown, NJ 07724-2764

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: usanj.njbankr@usdoj.gov Jun 11 2018 23:29:51 U.S. Attorney, 970 Broad St.,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517581305 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 11 2018 23:38:56 Capital One Bank,
 PO Box 71083, Charlotte, NC 28272-1083
 517581306 +E-mail/Text: bankruptcy@capvs.com Jun 11 2018 23:30:07 Cavalry SPV I, LLC,
 500 Summit Lake Drive Suite 400, Valhalla, NY 10595-1340
 517581307 +E-mail/PDF: creditonebknofications@resurgent.com Jun 11 2018 23:39:09 Credit One Bank,
 PO Box 98875, Las Vegas, NV 89193-8875
 517581309 E-mail/Text: bankruptcy.bnc@ditech.com Jun 11 2018 23:29:20 Ditech Financial LLC,
 PO Box 6154, Rapid City, SD 57709-6154
 517581318 E-mail/Text: bnckohlsnotices@becket-lee.com Jun 11 2018 23:28:57 Kohls, PO Box 2893,
 Milwaukee, WI 53201-2983
 517581320 +E-mail/PDF: resurgentbknofications@resurgent.com Jun 11 2018 23:38:08 LVNV Funding LLC,
 PO Box 10497, Greenville, SC 29603-0497
 517581321 E-mail/Text: bkr@cardworks.com Jun 11 2018 23:28:47 Merrick, PO Box 660702,
 Dallas, TX 75266-0702
 517581322 +E-mail/Text: bkr@cardworks.com Jun 11 2018 23:28:47 Merrick Bank, PO Box 9201,
 Old Bethpage, NY 11804-9001
 517581323 +E-mail/Text: bankruptcydpt@mcmcg.com Jun 11 2018 23:29:46 Midland Funding,
 8875 Aero Drive Ste 200, San Diego, CA 92123-2255
 517581326 +E-mail/Text: Bankruptcies@nragroup.com Jun 11 2018 23:30:45 NRA Group LLC,
 2491 Paxton Street, Harrisburg, PA 17111-1036
 517581329 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 11 2018 23:37:59
 Portfolio Recovery Associates, PO Box 12914, Norfolk, VA 23541-1223
 517581337 E-mail/PDF: gecsed@recoverycorp.com Jun 11 2018 23:37:51 SYNCB, PO Box 965060,
 Orlando, FL 32896-5060
 517583139 +E-mail/PDF: gecsed@recoverycorp.com Jun 11 2018 23:38:50 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 517581344 +E-mail/Text: wfmelectronicbankruptcy@verizonwireless.com Jun 11 2018 23:28:48
 Verizon Wireless, PO Box 26055, Minneapolis, MN 55426-0055
 517581345 E-mail/Text: vci.bkcy@vwcredit.com Jun 11 2018 23:30:02 Volkswagon Credit, PO Box 17497,
 Baltimore, MD 21297-1497

TOTAL: 17

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517581308* +Credit One Bank, PO Box 98875, Las Vegas, NV 89193-8875
 517581319* Kohls, PO Box 2893, Milwaukee, WI 53201-2983
 517581330* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
 (address filed with court: Portfolio Recovery Associates, PO Box 12914,
 Norfolk, VA 23541-1223)
 517581331* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
 (address filed with court: Portfolio Recovery Associates, PO Box 12914,
 Norfolk, VA 23541-1223)
 517581332* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
 (address filed with court: Portfolio Recovery Associates, PO Box 12914,
 Norfolk, VA 23541-1223)

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 35

Date Rcvd: Jun 11, 2018

***** BYPASSED RECIPIENTS (continued) *****
517581333* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates LLC, PO Box 12903,
Norfolk, VA 23541)
517581334* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates LLC, PO Box 12903,
Norfolk, VA 23541)
517581338* SYNCB, PO Box 965060, Orlando, FL 32896-5060
517581339* SYNCB, PO Box 965060, Orlando, FL 32896-5060
517581340* SYNCB, PO Box 965060, Orlando, FL 32896-5060
517581341* SYNCB, PO Box 965060, Orlando, FL 32896-5060

TOTALS: 0, * 11, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 13, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 8, 2018 at the address(es) listed below:

James J. Cerbone on behalf of Joint Debtor Dilma Gomes cerbonelawfirm@aol.com
James J. Cerbone on behalf of Debtor Joao Gomes cerbonelawfirm@aol.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 3